

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION**

|   |   |                                     |
|---|---|-------------------------------------|
| Leo Lionel Payne,                                     | ) |                                     |
|   | ) |                                     |
| Plaintiff,  | ) | Civil Action No.: 3:15-cv-02785-JMC |
|   | ) |                                     |
| v.  | ) | <b>ORDER AND OPINION</b>            |
|   | ) |                                     |
| Daniel E. Johnson, <i>Circuit Solicitor</i> ; Reinold | ) |                                     |
| M. Adams, <i>Police Officer</i> ; Ryan Johnson,       | ) |                                     |
| <i>Police Officer</i> ,                               | ) |                                     |
|   | ) |                                     |
| Defendants.   | ) |                                     |
| _____   | ) |                                     |

Plaintiff Leo Payne (“Plaintiff”), proceeding *pro se*, filed this action pursuant to 42 U.S.C. § 1983 alleging that Defendants violated his constitutional rights. (ECF No. 1). Specifically, Plaintiff asserts that on April 26, 2014, as he was preparing to travel on the Greyhound bus from Columbia to Washington, D.C., Defendants Reinold Adams and Ryan Johnson allegedly conspired to violate his right to travel by preventing Plaintiff from boarding the bus. (ECF No. 1 at 3.) Plaintiff further alleges that Defendant Daniel Johnson denied him his right to travel by representing the State of South Carolina in the criminal proceeding that arose from his arrest that night. Plaintiff asserts that the denial of his right to travel caused him severe emotional distress for which he seeks punitive damages in the amount of ten million dollars, actual damages in the amount of five million dollars, and the dismissal of all charges in state court. (ECF No. 1 at 5.)

This matter is before the court pursuant to 28 U.S.C. § 1915(e)(2)(B), which requires the court to dismiss civil actions filed *in forma pauperis* if they are frivolous or fail to state a claim upon which relief can be granted. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02, D.S.C., the matter was referred to United States Magistrate Judge Paige Gossett for a Report and Recommendation. On August 13, 2015, the Magistrate Judge issued a Report and

Recommendation (“Report”) recommending the court summarily dismiss Plaintiff’s complaint without issuance and service of process. (ECF No. 12.) The Report sets forth the relevant facts and legal standards, which this court incorporates herein without a recitation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. *See Matthews v. Weber*, 423 U.S. 261, 270-71 (1976). The court is charged with making a *de novo* review of any portions of the Report and Recommendation to which a specific objection is made. *Id.* The district court need not conduct a *de novo* review when a party makes only general and conclusory objections that do not direct the court to a specific error in the Magistrate Judge’s proposed findings and recommendations. *Orpiano v. Johnson*, 687 F.2d 44, 47-48 (4th Cir. 1982). The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge. 28 U.S.C. § 636(b)(1).

Plaintiff was advised of his right to file objections to the Report (ECF No. 12 at 9.) Plaintiff filed timely objections to the Report on August 19, 2015. (ECF No. 14.) The court has reviewed Plaintiff’s objections, and finds that Plaintiff fails to assert a specific error in the Report of the Magistrate Judge. Instead, Plaintiff re-asserts facts and allegations already included in the complaint. Because Plaintiff has failed to file specific objections, this court is not required to conduct a *de novo* review and must only review the Report for clear error.

Therefore, after a thorough review of the Report of the Magistrate Judge, the court finds the Report provides an accurate summary of the facts and the law in this matter. Accordingly, the court **ADOPTS** the Report of the Magistrate Judge (ECF No. 12). It is therefore ordered that Plaintiff’s complaint (ECF No. 1) is **DISMISSED** without prejudice and without issuance and service of process. Further, Plaintiff’s Motion for Service of Process (ECF No. 19), second motion

for service of process (ECF No. 22), Motion to Dismiss State Charges (ECF No. 26), and Motion for Supremacy Clause for Privileges and Immunities (ECF No. 31) are **DENIED** as moot.

**IT IS SO ORDERED.**

A handwritten signature in black ink, reading "J. Michelle Childs". The signature is written in a cursive, flowing style.

United States District Judge

August 9, 2016  
Columbia, South Carolina